



February 19, 1999

HOUSE BILL No. 1351

DIGEST OF HB1351 (Updated February 17, 1999 8:34 pm - DI 2)

Citations Affected: IC 14-8; IC 14-31; IC 35-50; noncode.

Synopsis: Ginseng and goldenseal hunting on private property. Makes hunting or harvesting ginseng or goldenseal (also known as yellow root) on privately owned land without the consent of an owner or tenant a nonsuspendible Class C misdemeanor.

Effective: July 1, 1999.

Denbo, Steele

January 12, 1999, read first time and referred to Committee on Agriculture, Natural Resources and Rural Development.
February 18, 1999, reported — Do Pass.

HB 1351—LS 6404/DI 51+



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February 19, 1999

First Regular Session 111th General Assembly (1999)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 1998 General Assembly.

HOUSE BILL No. 1351

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 14-8-2-116.5 IS ADDED TO THE INDIANA
2 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
3 [EFFECTIVE JULY 1, 1999]: **Sec. 116.5. "Goldenseal", for purposes**
4 **of IC 14-31-3, has the meaning set forth in IC 14-31-3-6.5.**

5 SECTION 2. IC 14-31-3-6.5 IS ADDED TO THE INDIANA CODE
6 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
7 1, 1999]: **Sec. 6.5. As used in this chapter, "goldenseal" refers to the**
8 **plant known as goldenseal or yellow root (*Hydrastis canadensis*).**

9 SECTION 3. IC 14-31-3-22 IS ADDED TO THE INDIANA CODE
10 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
11 1, 1999]: **Sec. 22. A person who knowingly or intentionally hunts or**
12 **harvests ginseng or goldenseal on privately owned land without the**
13 **consent of an owner or a tenant of the land commits unlawful**
14 **harvesting, a Class C misdemeanor.**

15 SECTION 4. IC 35-50-3-1 IS AMENDED TO READ AS
16 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 1. (a) **Except as**
17 **provided in subsection (d), the court may suspend any part of a**

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1 sentence for a misdemeanor.

2 (b) Except as provided in subsection (c), whenever the court
3 suspends a sentence for a misdemeanor, it may place the person on
4 probation under IC 35-38-2 for a fixed period of not more than one (1)
5 year.

6 (c) Whenever the court suspends a sentence for a misdemeanor, if
7 the court finds that the use or abuse of alcohol, drugs, or harmful
8 substances is a contributing factor or a material element of the offense,
9 the court may place the person on probation under IC 35-38-2 for a
10 fixed period of not more than two (2) years. However, a court may not
11 place a person on probation for a period of more than twelve (12)
12 months in the absence of a report that substantiates the need for a
13 period of probation that is longer ~~that~~ **than** twelve (12) months for the
14 purpose of completing a course of substance abuse treatment. A
15 probation user's fee that exceeds fifty percent (50%) of the maximum
16 probation user's fee allowed under IC 35-38-2-1 may not be required
17 beyond the first twelve (12) months of probation.

18 (d) **A court may not suspend the term of imprisonment for a**
19 **violation of unlawful harvesting (IC 14-31-3-22).**

20 SECTION 5. [EFFECTIVE JULY 1, 1999] **IC 14-31-3-22, as**
21 **added by this act, applies only to an offense committed after June**
22 **30, 1999.**

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Agriculture, Natural Resources and Rural Development, to which was referred House Bill 1351, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

LYTLE, Chair

Committee Vote: yeas 10, nays 0.

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